

HOUSE BILL 2011
By Godsey

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 1, relative to cloning.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 1, is amended by adding the following as a new section to be appropriately designated:

Section 39-17-113.

(a) As used in this section, unless the context requires otherwise:

(1) "Cloning" means the production of a precise genetic copy of a molecule (including DNA), cell, tissue, organ, plant, animal, or human;

(2) "Human cloning" means the use of somatic cell nuclear transfer to create a human embryo for any purpose;

(3) "Nucleus" means the cell structure that houses the chromosomes, and thus the genes;

(4) "Oocyte" means the female germ cell, the egg;

(5) "Somatic cell" means a mature, diploid cell; and

(6) "Somatic cell nuclear transfer" means transferring the nucleus of a somatic cell of an existing or deceased human being or individual of the human species into an oocyte from which the nucleus or all chromosomes have been or will be removed or rendered inert.

(b) It is an offense to perform or conspire with one (1) or more persons to perform human cloning.

(c)

(1) Notwithstanding the provisions of § 40-35-111, the offense of violating subsection (b) is a Class E felony punishable by fine only as provided in this subsection. Each violation of this section constitutes a separate offense.

(2) A person who violates the provisions of subsection (b) shall be fined the greater of one million dollars (\$1,000,000) or three (3) times the gross pecuniary gain or loss resulting from the violation.

(3) If a person is violating or about to violate the provisions of subsection (b), the attorney general and reporter may commence a civil action in an appropriate court with jurisdiction to enjoin such violation.

(4) Any property, real or personal, derived from or used to commit a violation or attempted violation of the provisions of subsection (b), or any property traceable to such property, shall be subject to forfeiture in accordance with the procedures set forth in title 40, chapter 33, part 2.

(5) The attorney general and reporter shall have exclusive, nondelegable enforcement authority under this section.

(6) The attorney general and reporter shall, upon request, render binding advisory opinions regarding the scope, applicability, interpretation, and enforcement of this section with regard to specific research projects or practices.

(d) Nothing in this section shall be construed to give any individual or person a private right of action.

(e) Nothing in this section shall be construed to restrict areas of biomedical and agricultural research or practices not expressly prohibited in this section, including research or practices that involve the use of:

(1) Somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells other than human embryos, or tissues;

(2) Mitochondrial, cytoplasmic, or gene therapy; or

(3) Somatic cell nuclear transfer techniques to create nonhuman animals.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.

